

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A SYSTEM FOR CELL-BASED SCREENING**

the specification of which is attached hereto unless the following space is checked:

☒ was filed on July 12, 1999 as United States Application Serial Number 09/352,171

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

|    | <u>Number</u> | <u>Country</u> | <u>Day/Month/Year Filed</u> |
|----|---------------|----------------|-----------------------------|
| 1. |               |                |                             |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

|    | <u>Application Number</u> | <u>Filing Date</u> |
|----|---------------------------|--------------------|
| 1. | 60/092,671                | July 13, 1998      |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c)

of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

|    | <u>Application Number</u> | <u>Filing Date</u> | <u>Status: patented, pending, abandoned</u> |
|----|---------------------------|--------------------|---|
| 1. | 08/810,983                | February 27, 1997  | U.S. Patent No. 5,989,835                   |
| 2. | 09/031,271                | February 27, 1998  | Pending                                     |

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

|                       |                |                       |                |
|-----------------------|----------------|-----------------------|----------------|
| Denis A. Berntsen     | Reg. No. 26707 | Monica Grewal         | Reg. No. 40056 |
| John J. McDonnell     | Reg. No. 26949 | Jeremy Noe            | Reg. No. 40104 |
| Daniel A. Boehnen     | Reg. No. 28399 | Sean M. Sullivan      | Reg. No. 40191 |
| Bradley J. Hulbert    | Reg. No. 30130 | Timothy R. Baumann    | Reg. No. 40502 |
| Paul H. Berghoff      | Reg. No. 30243 | Amir N. Penn          | Reg. No. 40767 |
| Grantland G. Drutchas | Reg. No. 32565 | Patrick J. Halloran   | Reg. No. 41053 |
| Steven J. Sarussi     | Reg. No. 32784 | Joshua R. Rich        | Reg. No. 41269 |
| David M. Frischkorn   | Reg. No. 32833 | Thomas E. Wettermann  | Reg. No. 41523 |
| James C. Gumina       | Reg. No. 32898 | Vernon W. Francissen  | Reg. No. 41762 |
| A. Blair Hughes       | Reg. No. 32901 | Richard A. Machonkin  | Reg. No. 41962 |
| Thomas A. Fairhall    | Reg. No. 34591 | David S. Harper       | Reg. No. 42636 |
| Emily Miao            | Reg. No. 35285 | Edward K. Runyan      | Reg. No. 43067 |
| Kevin E. Noonan       | Reg. No. 35303 | Lisa M.W. Hillman     | Reg. No. 43637 |
| Leif R. Sigmond, Jr.  | Reg. No. 35680 | Stephen Lesavich      | Reg. No. 43749 |
| Lawrence H. Aaronson  | Reg. No. 35818 | Enrique Perez         | Reg. No. 43853 |
| Matthew J. Sampson    | Reg. No. 35999 | Marcus J. Thymian     | Reg. No. 43954 |
| Curt J. Whitenack     | Reg. No. 36054 | S. Richard Carden     | Reg. No. 44588 |
| Christopher M. Cavan  | Reg. No. 36475 | Mark L. Chaël (agent) | Reg. No. 44601 |
| Michael S. Greenfield | Reg. No. 37142 | Stephen H. Docter     | Reg. No. 44659 |
| Róger P. Zimmerman    | Reg. No. 38670 | Anita J. Terpstra     | Reg. No. 47132 |
| Anthoula Pomrening    | Reg. No. 38805 | Galina M. Yakovleva   | Reg. No. 47192 |
| George I. Lee         | Reg. No. 39269 | Themi Anagnos         | Reg. No. 47388 |
| James M. McCarthy     | Reg. No. 39296 |                       |                |

Address all telephone calls to David Harper at (312) 913-0001.

Address all correspondence to McDONNELL BOEHNEN HULBERT & BERGHOFF, 300 South Wacker Drive, Chicago, Illinois 60606 USA.

I hereby declare that all statements made herein of my own knowledge are true and that all

statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Richard A. Rubin

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Richard A. Rubin

Residence: 5866 Bartlett Street, Pittsburgh, Pennsylvania 15217

Citizenship: United States of America

Post Office Address: 5866 Bartlett Street, Pittsburgh, Pennsylvania 15217

Full name of second joint inventor, if any (given name, family name): Kenneth A. Giuliano

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Kenneth A. Giuliano

Residence: US

Citizenship: US

Post Office Address: 351 Hawthorne Road  
Pittsburgh, Pennsylvania 15209  
United States of America

Full name of third joint inventor, if any (given name, family name): Albert H. Gough

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Albert H. Gough  
US  
Citizenship: US  
Post Office Address: 2014 Louise Drive  
Glenshaw, Pennsylvania 15116  
United States of America

Full name of fourth joint inventor, if any (given name, family name): R. Terry Dunlay

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
R. Terry Dunlay  
Residence: US  
Citizenship: US  
Post Office Address: 433 Lynn Ann Drive  
New Kensington, Pennsylvania 15068  
United States of America

Full name of fifth joint inventor, if any (given name, family name): Bruce Ray Conway

Inventor's signature: Bruce R. Conway Date: Jan 18, 2001  
Bruce Ray Conway  
Residence: US  
Citizenship: US  
Post Office Address: 3302 Ephross Circle  
Doylestown, Pennsylvania 18901  
United States of America

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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## A SYSTEM FOR CELL-BASED SCREENING

the specification of which is attached hereto unless the following space is checked:

☒ was filed on July 12, 1999 as United States Application Serial Number 09/352,171

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|    | <u>Application Number</u> | <u>Filing Date</u> | <u>Status: patented, pending, abandoned</u> |
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| Paul H. Berghoff      | Reg. No. 30243 | Sean M. Sullivan             | Reg. No. 40191  |
| Grantland G. Drutchas | Reg. No. 32565 | Audrey L. Bartnicki          | Reg. No. 40499  |
| Steven J. Sarussi     | Reg. No. 32784 | Amir N. Penn                 | Reg. No. 40767  |
| David M. Frischkorn   | Reg. No. 32833 | Patrick J. Halloran (agent)  | Reg. No. 41053  |
| James C. Gumina       | Reg. No. 32898 | Joshua R. Rich               | Reg. No. 41269  |
| A. Blair Hughes       | Reg. No. 32901 | Thomas E. Wettermann         | Reg. No. 41523  |
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| Emily Miao            | Reg. No. 35285 | Robert J. Irvine             | Reg. No. 41865  |
| Kevin E. Noonan       | Reg. No. 35303 | Richard A. Machonkin         | Reg. No. 41962  |
| Leif R. Sigmond, Jr.  | Reg. No. 35680 | David S. Harper              | Reg. No. 42636  |
| Lawrence H. Aaronson  | Reg. No. 35818 | Stephen Lesavich             | Reg. No. 43749  |
| Matthew J. Sampson    | Reg. No. 35999 | Enrique Perez                | Reg. No. 43853  |
| Curt J. Whitenack     | Reg. No. 36054 | Marcus J. Thymian            | Reg. No. 43954  |
| Christopher M. Cavan  | Reg. No. 36475 | Emanuel J. Vacchiano (agent) | Reg. No. 43964  |
| Michael S. Greenfield | Reg. No. 37142 | Mark Chael (agent)           | Reg. No. P44601 |
| Roger P. Zimmerman    | Reg. No. 38670 | Stephen H. Docter            | Reg. No. P44659 |

Address all telephone calls to David Harper at (312) 913-0001.

Address all correspondence to MCDONNELL BOEHNEN HULBERT & BERGHOFF, 300 South Wacker Drive, Chicago, Illinois 60606 USA.

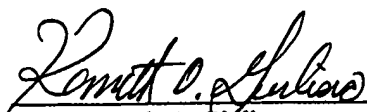
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name):

Inventor's signature: Richard A. Rubin Date: 12/1/00  
 Residence: Richard A. Rubin  
 5866 Bartlett Street, Pittsburgh, Pennsylvania 15217  
 Citizenship: United States of America  
 Post Office Address: 5866 Bartlett Street, Pittsburgh, Pennsylvania 15217

Full name of second joint inventor, if any (given name, family name):

Inventor's signature:



Date:

11/29/00

Residence:

Kenneth A. Giuliano

Citizenship:

US

Post Office Address:

US

351 Hawthorne Road  
Pittsburgh, Pennsylvania 15209  
United States of America

Full name of third joint inventor, if any (given name, family name):

Inventor's signature:



Date:

12/1/00

Residence:

Albert H. Cough

Citizenship:

US

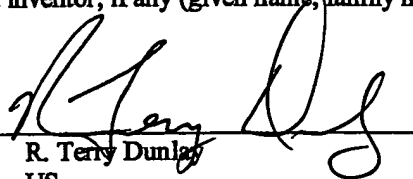
Post Office Address:

US

2014 Louise Drive  
Glenshaw, Pennsylvania 15116  
United States of America

Full name of fourth joint inventor, if any (given name, family name):

Inventor's signature:



Date:

11/29/00

Residence:

R. Terry Dunlap

Citizenship:

US

Post Office Address:

US

433 Lynn Ann Drive  
New Kensington, Pennsylvania 15068  
United States of America

Inventor's signature:

Bruce Ray Conway

Date:

Residence:

US

Citizenship:

US

Post Office Address:

3302 Ephross Circle  
Doylestown, Pennsylvania 18901  
United States of America

## **ASSIGNMENT**

Case No.: 97,022-D1

Serial No.: 09/352,171

Inventors: **Richard A. Rubin, Kenneth A. Giuliano, Albert H. Gough, R. Terry Dunlay, Bruce Conway**

Date of Execution  
of Application:

Filing Date: July 12, 1999

In consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to:

**Cellomics, Inc., a corporation of the State of Delaware**

its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled:

### **A SYSTEM FOR CELL BASED SCREENING**

and identified as:

**Case No. 97,022-D1**

in the offices of McDONNELL BOEHNEN HULBERT & BERGHOFF and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension of such patents, and further assigns to said assignee the priority right provided by the International Convention.

The undersigned hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned hereby authorize and request the attorneys of record in said application to insert in this assignment the filing date and serial number of said application when officially known, and the date of execution of the application.

The undersigned warrant themselves to be the owners of the entire right, title and interest in said invention or improvements and to have the right to make this assignment, and further warrant that there are no outstanding prior assignments, licenses, or other encumbrances on the interest herein assigned.

For said considerations the undersigned hereby agree, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional,



continuation and substitute applications for said invention or improvements, and any necessary oath, affidavit or declaration relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application and any and all applications and other documents for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns may deem necessary or expedient, and for the said considerations the undersigned authorize said assignee to apply for patents for said invention or improvements in its own name in such countries where such procedure is proper and further agree, upon the request of said assignee, its successors and assigns, to cooperate to the best of the ability of the undersigned with said assignee, its successors and assigns, in any proceedings or transactions involving such applications or patents, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all other acts necessary to obtain, maintain and enforce said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in the assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignee, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Richard A. Rubin

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_  
NOTARY PUBLIC

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Kenneth A. Giuliano

State of

County of

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_  
NOTARY PUBLIC

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Albert H. Gough

State of

County of

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_  
NOTARY PUBLIC

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
R. Terry Dunlay

State of

County of

The foregoing instrument was acknowledged before me this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_  
NOTARY PUBLIC

WITNESS my hand and seal this 29 day of June, 2001.

Bruce R. Conway  
Bruce Conway

State of NEW JERSEY

County of SOMERSET

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of

JUNE, 2001 by

Diane F. Leon  
NOTARY PUBLIC

DIANE F. LEON  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 4/26/2004

## **ASSIGNMENT**

Case No.: 97,022-D1

Serial No.: 09/352,171

Inventors: **Richard A. Rubin, Kenneth A. Giuliano, Albert H. G ugh, R. Terry Dunlay, Bruce Conway**

Date of Execution  
of Application:

Filing Date: July 12, 1999

In consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to:

**Cellomics, Inc., a corporation of the State of Delaware**

its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled:

### **A SYSTEM FOR CELL BASED SCREENING**

and identified as:

**Case No. 97,022-D1**

in the offices of MCDONNELL BOEHNEN HULBERT & BERGHOFF and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension of such patents, and further assigns to said assignee the priority right provided by the International Convention.

The undersigned hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned hereby authorize and request the attorneys of record in said application to insert in this assignment the filing date and serial number of said application when officially known, and the date of execution of the application.

The undersigned warrant themselves to be the owners of the entire right, title and interest in said invention or improvements and to have the right to make this assignment, and further warrant that there are no outstanding prior assignments, licenses, or other encumbrances on the interest herein assigned.

For said considerations the undersigned hereby agree, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation and

substitute applications for said invention or improvements, and any necessary oath, affidavit or declaration relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application and any and all applications and other documents for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns may deem necessary or expedient, and for the said considerations the undersigned authorize said assignee to apply for patents for said invention or improvements in its own name in such countries where such procedure is proper and further agree, upon the request of said assignee, its successors and assigns, to cooperate to the best of the ability of the undersigned with said assignee, its successors and assigns, in any proceedings or transactions involving such applications or patents, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all other acts necessary to obtain, maintain and enforce said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in the assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignee, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

WITNESS my hand and seal this 16 day of Aug, 2001.

Richard A. Rubin  
Richard A. Rubin

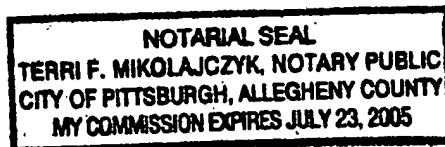
State of Pennsylvania

County of Allegheny

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of

August, 2001 by

Terri F. Mikolajczyk  
NOTARY PUBLIC



WITNESS my hand and seal this 16 day of August, 2001.

Kenneth A. Giuliano  
Kenneth A. Giuliano

State of Pennsylvania

County of Allegheny

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of  
August, 2001 by

Terry F. Mikolajczyk  
NOTARY PUBLIC

NOTARIAL SEAL  
TERRI F. MIKOLAJCZYK, NOTARY PUBLIC  
CITY OF PITTSBURGH, ALLEGHENY COUNTY  
MY COMMISSION EXPIRES JULY 23, 2005

WITNESS my hand and seal this 20 day of August, 2001.

Albert H. Gough  
Albert H. Gough

State of Pennsylvania

County of Allegheny

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of  
August, 2001 by

Terry F. Mikolajczyk  
NOTARY PUBLIC

NOTARIAL SEAL  
TERRI F. MIKOLAJCZYK, NOTARY PUBLIC  
CITY OF PITTSBURGH, ALLEGHENY COUNTY  
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WITNESS my hand and seal this 16 day of August, 2001.

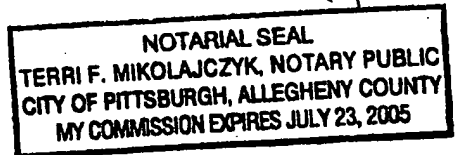
R. Terry Dunlay  
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County of

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